



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, February 6, 2017

5:30 PM

2nd Floor Conference Room

City Manager's Agenda Review

1. CALL TO ORDER:

Mayor Masiarczyk called the meeting to order at 5:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 7 - Commissioner Bradford
Commissioner Herzberg
Commissioner Honaker
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

Excused: 1 - Commissioner Soukup

Absent: 1 - Commissioner Alcantara

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Vice Mayor Nabicht

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of January 17, 2017, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

5. PRESENTATIONS/AWARDS/REPORTS:

City Manager Shang stated there was a request to swap Items B and C. Commissioner Honaker asked that the Super Star Students awards come before the Presentation of Quarterly Reports. Vice Mayor Nabicht explained the Commission has to go down to the floor for the presentation of the Christmas Parade awards so, the Commission could just stay on the floor for the Super Star Student presentations and then move back up to the dais for the Quarterly Reports.

It was the consensus of the Commission to swap Items B and C so, the order will be A, C and then B.

- A. **Presentation: Annual Christmas Parade Awards - Scott McGrath, Planning and Development Services, (386) 878-8624.**

Strategic Goal: Internal and External Communication. Solicit partnerships with businesses, schools, hospitals, and residents for information dissemination.

- B. **Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.**

- C. **Super Star Student of the Month Certificates for January 2017**

6. CITY COMMISSION SPECIAL REPORTS:

Mayor Masiarczyk asked if there are any special reports.

Vice Mayor Nabicht responded he would have a Transportation Planning Organization (TPO) Meeting report.

Commissioner Bradford responded she would have a report from the Volusia County Oversight Committee for the School Board. Mayor Masiarczyk asked if the City has an appointment to that committee and City Manager Shang responded it used to be Commissioner Smith.

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

9. ORDINANCES AND PUBLIC HEARINGS:

- A. **Request for Approval of Resolution No. 2017-02, Approval of Prior Year (FY 2015/2016) Budget Carry Forward of Municipal Complex Fund funds in order to provide funding to complete multi-year "The Center at Deltona" Municipal Complex project - Robert Clinger, Finance Department (386) 878-8552.**

Strategic goal: Fiscal Issues

Mayor Masiarczyk stated the next item is Resolution No. 2017-02 requesting approval of a budget carryover. He suggested an explanation of how the City transfers funds may be needed and Mr. Clinger could do this.

There were no other comments on this item.

10. OLD BUSINESS:

- A. **Request for approval of the novation letter assigning Hawksley Consulting Inc. agreement to Stantec Consulting Services Inc, Matt Doan, P.E., Public Works Director, (386) 878-8973.**

Strategic Goal: Fiscal Issues

Mayor Masiarczyk stated this item is regarding a novation letter assigning the Hawksley Consulting agreement to Santec Consulting and Mr. Doan is here for any questions.

There were no other comments on this item.

- B. **Thornby HERE- Proposed improvements to Thornby Park and its nature trail. Jerry Mayes, Economic Development Office, (386)878-8916.**

Strategic Goal: Economic Development. Provide a strategic focused effort towards economic development throughout the City to enhance existing businesses and attract new businesses.

Mayor Masiarczyk stated the next item is regarding the Thornby HERE (historical, educational, recreational and environmental) project and the request for improvements. He stated the Commission had asked for additional information and he asked City Manager Shang what exactly the City is doing. City Manager Shang responded the City is entering into a Memorandum of Understanding (MOU) with the Audubon Society as directed by the Commission at a prior workshop. She stated the Commission had asked staff to partner with a 501C so the City would be eligible for additional grant funds and she explained that the 501C can apply on the City's behalf. Mayor Masiarczyk asked if the Commission would see the MOU before it is signed and City Manager Shang responded it is in the agenda packet. Mayor Masiarczyk asked if this was the final document and City Manager Shang responded "yes".

There were no other questions or comments on this item.

11. NEW BUSINESS:

A. Approval to allow County to cohabitate at Station 64

Mayor Masiarczyk stated the next item is a request to allow the County Fire Department to cohabitate at Fire Station 64 while repairs are being made to their fire station.

There were no other comments on this item.

B. Affirmation by the City Commission of two (2) re-elected representatives from the firefighters' pension members by the firefighters' pension members which is done by ballot - Joyce Raftery, City Clerk Department (386) 878-8502.**Strategic Goal: Internal and External Communication**

Mayor Masiarczyk stated the next item is the affirmation of two (2) re-elected members to the Firefighters' Pension Board of Trustees. Vice Mayor Nabicht stated it is just affirming the members' vote.

There were no other comments on this item.

C. Discussion: Termination of City Residential Construction Mitigation Program (RCMP) - Ron A. Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.**Strategic Goal: Fiscal Issues, other grants as approved by the City Commission.**

Mayor Masiarczyk stated the next item is the request to terminate the Residential Construction Mitigation Program (RCMP).

There were no questions or comments on this item.

12. CITY ATTORNEY COMMENTS:

Assistant City Attorney Vose commented that he will be reporting on the ordinance concerning amending the Charter. He stated he has a draft he is working on that he will get out to the Commission this week to be included on the agenda for 1st reading at the next Commission Meeting.

Vice Mayor Nabicht asked if there are any ordinances the City would like the Ordinance Review Committee (ORC) to work on. City Manager Shang responded the ORC is working on the mobile food trucks and Mr. Bowley added we will be finalizing that issue with the Committee. Mr. Bowley stated he will also get direction from the Commission on the landscape ordinance to let ORC look at that. City Manager Shang suggested the

goal might be to have a review every three (3) months. Mayor Masiarczyk stated the ORC was set up to give them topics when there were topics to review as needed and if there is nothing to review the committee would not meet. He stated he does not want to make work for them and he has concerns that when the committee gets a topic, the committee goes long term, the Commission does not get constant feedback of what they are doing and the committee members are out in the public discussing how they are changing things. He added that if the Commission asks the ORC to look into that aspect, it should be a recommendation. He suggested that Vice Mayor Nabicht bring it up during the meeting.

Commissioner Herzberg asked when the Commission gives out the ordinances for review to ORC is there any input from law enforcement in regards to being feasible and enforceable if they involve law enforcement. City Manager Shang responded the topics should involve the appropriate party(s). Mayor Masiarczyk asked who on that committee would do that and Mr. Bowley responded he would invite the party(s).

Commissioner Honaker stated while we are on this topic, one (1) of the things he wanted to bring up during his remarks to add to a future agenda is a discussion on carports and canvas tarps that cover boats. He stated right now there is not an ordinance against this so it not enforceable. He stated there is some verbiage regarding carports that says it must look similar to the structure and he asked if that topic could be given to the ORC. Mayor Masiarczyk stated that is a hard one but, it could be given to ORC however, he does not have any expectation that you could enforce it.

Commissioner Herzberg asked is it one (1) of those that the Commission has to look at and determine if it is enforceable and the aesthetics of where it can go on someone's property to enforce trash rules. She asked how you determine if it is someone's trash or living space under carports. Mayor Masiarczyk stated that is the point as there are hundreds of them out there, there are different types, some are called tents and there are all kinds of reasons to have them. He stated trying to get people to come into compliance will be difficult but, he suggested letting the ORC look at it.

City Manager Shang stated her recommendation would be to use as a guideline that we do not want to make work for a group but, we want to keep the group engaged and as a goal we would give ORC four (4) ordinances per year and then they will have some expectation of the work. Mayor Masiarczyk responded that the expectation they have is that they want to see something done with the work they do and that will be the problem with the carport issue, there is no solution; let Orc look into it but, tell them up front that this has been thought about for 20+ years and no ideal solution has been found so far

Vice Mayor Nabicht asked Mr. Bowley if there is an issue that you get a lot of variance requests on where the ordinance could be tweaked. Mr. Bowley responded there is something simple we keep talking about which is non-principle structures and the zoning is for principle structures such as if you are going to add a room or enclose a garage. He stated most of the variance requests are for ancillary structures like pools, sheds and fences and to tweak that ordinance would be a simple thing to go to ORC. Other ordinances suggested were the noise, fireworks, partying around the plaza with drinks

and it was suggested that staff could feed the topics to the City Manager and she can bring them to the Commission to review, okay and move forward.

There were no other questions or comments.

13. CITY MANAGER COMMENTS:

City Manager Shang stated Vice Mayor Nabicht was going to bring up TPO and she wanted to suggest that we go after trail dollars; there is funding for trails and the Tetra Tech report mentioned that trails is our niche, we have done some preliminary work on trails so, it makes sense to go after trails. Vice Mayor Nabicht suggested since there is not a lot of time to debate what we want to do, the requests are due in March, staff knows what to do and the worst that can happen is we submit something to TPO and TPO says "no" and if we do not submit anything we may be missing out on some funds. He stated we have some trails projects, we just need to give the nod to move forward with the application.

There were no other comments on this item.

14. CITY COMMISSION COMMENTS:

Commissioner Bradford stated she wanted to include the Community Garden and direct the City Manager to do a Capital Improvements Program (CIP) to draw up a scope so, we can have a community garden beside the Community Center. City Manager Shang clarified this is different than the Pescha's community garden. Vice Mayor Nabicht stated there would need to be a motion to agenda the item. Mayor Masiarczyk suggested a workshop and requested Commissioner Bradford bring back her ideas. He asked if this would be for discussion or would it be a presentation. Commissioner Bradford responded that Florida Hospital of Orange City has a community garden and they are willing to work with other community gardens in other areas. She stated she wanted to see a community garden beside the new Community Center and tie the trails into it as well. Vice Mayor Nabicht stated since we have a lot of time with it being next to the new Community Center we should put it on a workshop. It was recommended Commissioner Bradford make a motion and get a second to move forward with the discussion of scoping for a community garden at the new Community Center.

Commissioner Herzberg asked to add to the discussion that she believes the City needs to do a parks CIP for the future. She stated since the Tetra Tech study came out it gives the City guidelines. She suggested the City having a facilitator and community input. Mayor Masiarczyk suggested getting several issues together and have a facilitator walk the Commission through them. City Manager Shang suggested it could be similar to what was done for the strategic plan. Mayor Masiarczyk stated let's get a motion and a second to move forward.

Mayor Masiarczyk stated he wanted to bring up a subject concerning him. He asked what the understanding by everyone about missing a meeting was; do you call or email

the Mayor or City Manager to inform them. City Manager Shang stated for the record she did not receive anything from anyone. Mayor Masiarczyk stated that the standing standard of operation (SOP) is to always let the Mayor or City Manager know by whatever means and Commissioner Soukup did let the Mayor know; however, he does have concerns about a Commissioner showing up at the regular meeting but, not the agenda review. He asked if City Manager Shang had talked to the Commissioner about why, is there a reason, is there a conflict that prevents being here at this time because, he has had people ask him about that.

There were no other comments.

15. ADJOURNMENT:

Mayor Masiarczyk adjourned the meeting at 5:58 p.m.

Janet Day, Deputy City Clerk